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JOINT MILITARY ETHICS: A FRAMEWORK FOR THE FUTURE

by

LCDR W. Spencer Butts, USN

A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirements of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature, W. Spencer Butts

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Thomas Grassey

Professor Thomas Grassey
Editor, War College Review
Paper Advisor

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ABSTRACT

Recent scandals in the military have created a perception that the ethical standards of the United States Armed Forces are deteriorating. This deterioration threatens to undermine both the operational readiness and public support necessary to maintain an effective and empowered fighting force. Changes in mission and force structure have placed increasing demands on the military to provide education and enforcement of high ethical principles for all personnel. This paper examines the nature of current military ethics and provides an outline for establishing and maintaining a set of Department of Defense core values. In order to face the challenges of the next century, the United States military must develop an officer corps that understands and demonstrates these values.

INTRODUCTION

"The integrity of the military profession means that we must have an officer corps of such character and competence as will provide the highest professional and spiritual leadership to our citizen armies. This professional, long-term cadre must be adequate both in size and quality ...a great reservoir of character, devotion to duty, of loyalty, of professional competence." - General Matthew B. Ridgway¹

The strength and success of the American armed forces and those of military leaders are shaped by both the trust and confidence the members have in each other as well as that of the general populace, who empowers the military to use overwhelming force to successfully support and defend the Constitution of the United States. It is through victory in war that the military gains the public respect and trust, thereby garnering the support it needs to survive in times of peace. The American public places an appropriate burden of that trust and confidence on the officer ranks, demanding that they will employ that lethal force in a competent, professional and ethical manner. Recent scandals, however, have eroded the public's trust and confidence and have led many people, both within and outside of the armed forces, to ask the question, "Has the military lost its ethical direction?"

While there are many ethical issues which confront military leaders in times of war, it is often the ethical issues confronting leaders in peace that dominate the headlines. Allegations of adultery, rape, sexual harassment, public drunkenness and debauchery, mishandled investigations and cover-ups are recurring stories that distract uniformed personnel from their mission and erode public confidence in the military profession. No service has proven itself immune from the scrutiny and, despite the relative frequency of incidents and negative press, the military always appears to be caught off guard, running

from small fire to small fire in a vain attempt to put out a forest that is burning to the ground.

The military is currently undergoing an evolution in mission and force structure which, combined with concurrent shifts in societal values, have altered the course of ethics and the military profession. It is up to senior military leaders to similarly alter the course of ethical training and education to meet that change, attacking the problem with a comprehensive and progressive approach.

The purpose of this paper is to define some of the ethical problems facing the officer ranks today and propose a course of action aimed at placing the military on a proper path of ethical development. It will first examine military ethics, explaining why the subject is so difficult but so important to commanders and their organizations, and then exploring the relationship between military ethics and warfighting. The paper will show the need for the military to develop and implement a joint character development program for the officer corps. It will then identify problems of conflicting loyalties for uniformed members of the armed forces and then discuss ethics and senior leadership. Finally, it will recommend a course of action designed to improve the ethical education process for officers of the United States military.

MILITARY ETHICS

Many critics of the military profession would argue that "military ethics" is an oxymoron, the words mutually exclusive of one another, and recent scandals do little to dampen that opinion. However, ethics are absolutely essential for a profession given the mission of protecting a nation and her ideals. Webster's New World College Dictionary

defines ethics as “the study of standards of conduct and moral judgment; moral philosophy.”² In his book True Faith and Allegiance, James H. Toner defines ethics as “the study of good and evil, of right and wrong, of duty and obligation in human conduct, and of reasoning and choice about them.”³ It must be understood from these definitions that ethics is a science and therefore requires study. Military ethics cannot simply be a set of core values or rules but instead must be an analysis and understanding of correct and incorrect behavior in a military environment. Many in the military believe that ethical behavior is obeying lawful orders and adhering to their service’s core values, but this assumes that all service members are knowledgeable as to the reasoning appropriate application for those particular orders or set of values. Military professionals operate in a structured environment and prefer to deal with matters that are black and white (right and wrong). But ethics deals with issues that are in subtle shades of gray. The military must come to the conclusion that it needs to study military ethics because they are difficult to define and ever changing, and because they impact every officer in a different way.

In its only mention of ethics, Joint Vision 2010 emphasizes the need for innovative leadership and states that “(The military) will build upon the enduring foundation of functional expertise, core values, and high ethical standards.”⁴ However, this statement is misleading because core values and ethical standards are not enduring. There exists a separate set of core values for each of the service components (the Marine Corps does share the Navy core values) and these values have changed many times since their inception (the latest was the Army shifting from an “ethos” to core values in 1996). Ethical standards are also subject to change, as society itself changes, and usually drag

the military reluctantly along with them. This has been particularly evidenced by the slow acceptance of gender and racial integration within the Services.

What makes military ethics so difficult in the long run is that they involve such deep and personally defined areas of concern as religion, morality, human nature, and justice. The military is an institution that prefers quick results, but ethics seldom conform to that notion. If military professionals are ever to expect wholesale change in their ethical behavior, they must get out of the shallows of patchwork fixes and reaction and swim in the deep water of truth, understanding, and commitment. Only by swimming in the deep water will the military truly find the wisdom and the moral courage to change.

ETHICS AND THE CHANGES IN WARFIGHTING

As Commander of the Continental Army during the Revolutionary War, General George Washington was able to maintain the public trust by forcing his troops to respect the supplies and property of the common citizen. Soldiers who violated that trust were dealt with swiftly and harshly. As the military entered the twentieth century, a revolution in the ethical conduct of wars occurred with the Hague conventions of 1906 and 1907 and the Geneva convention of 1929. These conventions outlined a standard agreement of rules for the humane treatment of prisoners of war, care for the sick and wounded, and the limiting of collateral damage of civilian property.⁵

With the end of the Cold War, the military finds itself facing a number of institutional challenges. Some of these challenges were highlighted in the recent *Quadrennial Defense Review*, including such issues as defining the mission of the military in light of recent global changes, maintaining the weapon systems and force

structure needed to accomplish that mission and prioritizing resource allocation.⁶ The military as an institution is undergoing major changes in the wake of the fall of the Iron Curtain. With a clearly defined enemy in the Soviet Union, the mission of the military was simpler, to prepare to fight and win wars against a known enemy. Conflicts today are harder to define as they may involve peacekeeping missions, humanitarian assistance, counter-drug operations and other forms of Military Operations other than War (MOOTW). There is an increasing need to focus ethical training more on peacetime conduct and MOOTW rather than wartime ethics.

As the military enters the next century, it will continue to be confronted with many changes involving ethics and the military. It will enter into situations that run across the continuum of conflict between war and peace which will propose many ethical challenges for the officers who lead in these situations. To operate successfully in these conflicts requires senior leaders to ensure that their forces are prepared both professionally and ethically. They must provide those under their command and care the ethical education and training that will instill the fortitude and moral courage to do the right thing in battle and in peace.

The military must also realize that the enemies may not be operating under the same ethical standards that restrict American military commanders. Ralph Peters highlights this point in an article published in *Parameters*.

"We face opponents, from warlords to druglords, who operate in environments of tremendous moral freedom, unconstrained by laws, internationally recognized treaties, and "civilized" customs, or by the approved behaviors of the international military brotherhood. These men defeat us. Terrorists who rejected our world view defeated us in Lebanon. "General" Aideed, an ethical primitive by our standards (and probably by any standards) defeated us in Somalia. Despite occasional arrests,

*druglords defeat us on a daily basis. And Saddam, careless of his own people, denied us the fruits of our battlefield victory."*⁷

These differences in ethics may restrict military efforts but it is essential that the American armed forces maintain the moral high ground in war and peace. The multitude of nations that rely on American military professionals for protection and support review the military's conduct on their soil with much scrutiny. Breaches in that ethical and moral code could severely hamper future operations.

CHARACTER DEVELOPMENT

*"A man of character in peace will be a man of courage in war." - Lord Moran*⁸

By most accounts, the officer recruits entering the service today are smarter and more talented than at any other time in history. This bodes well for a military that is increasingly reliant upon technological superiority on the battlefield. What is suspect of those recruits, however, is the moral character they possess upon entering the service. Future leaders are being raised in a society that arguably has been in moral decay for decades. Increases in teenage violent crime, drug use and pregnancy all underscore the deterioration of the homogenous values that were instilled in the forefathers of today's recruits, and the military must step forward to rejuvenate those values.

If the moral compass of American youth has become so suspect, is it any surprise that there have been so many cheating scandals at the military service schools? Admiral Charles Larson, upon returning for a second term as Superintendent of the U.S. Naval Academy observed "We aren't as homogenous in our values as we used to be... We have people coming in now (with whom) we have to establish, through our character

development program, what that foundation is, what the values are.”⁹ Admiral Larson’s concerns are echoed by General Howard Graves, Superintendent of the U.S. Military Academy at West Point, who noted “They are coming from a much more relativistic society...They do not, as a group, have a history of picking up sound ethical principles in their high school or elementary education program.”¹⁰ For years the nation’s military academies took America’s best and integrated them into a military regimen, simplified by the fact that applicants shared common values, beliefs, and ethics that were instilled in the home, church and in the school. The military now places recruits lacking that well-defined ethic in unfamiliar surroundings, and challenges them to accept ethnic, racial, gender, and religious diversity, while maintaining the highest levels of integrity and honesty, but it fails to arm them with the training and education necessary to face this challenge.

Moral education is the key to developing and maintaining good character within the officer corps. Theodore Roosevelt stated, “To educate a person in mind and not in morals is to educate a menace to society.”¹¹ The foundation of that moral education lies in the core values embraced by the respective services, but the building of character comes from leadership by example, positive reinforcement of good behavior and the swift and just punishment of bad behavior. Education must go beyond rote memorization of service branch core values but instead focus on thoroughly explaining what those values mean to the military and the individual. For example, does the Navy core value of “Courage” mean the commonly viewed notion of courage in battle or the “moral courage” to do the right thing in the face of adversity as Commandant of the Marine Corps General

Charles C. Krulak told an audience at the Naval War College.¹² Putting “meat on the bone” and explaining intent of the values provides a framework by which individuals can make ethical decisions and foster good character.

CORE VALUES

There exists a need to bring all of the services under a Department of Defense (DoD) wide set of values that codify what is important to and expected of a Soldier, Sailor, Airman or Marine. Although it is not widely known, DoD does identify ten “primary ethical values” in the *Joint Ethics Regulation* and identifies them as: honesty, integrity, loyalty, accountability, fairness, caring, respect, promise keeping, responsible citizenship, and pursuit of excellence.¹³ But the simple creation of a “joint” set of core values will serve no purpose if the officers and enlisted personnel are not educated to the true meaning of these values.

As operations and command structure continue streamlining and becoming more joint it is increasingly imperative to establish a common foundation of values upon which the individual services can then build their core competencies. With the nature of warfare in such flux, having a common set of values will make integration and change easier to accomplish.

THE DILEMMA OF CONFLICTING LOYALTIES

Perhaps the greatest failing of the military institution is the inability of commanders to accept criticism, especially from within. There is much pride in ownership, so criticism of the organization, and specifically of the leadership of the organization, is tantamount to organizational treason, the ultimate form of disloyalty.

The typical reaction to such criticism is to attack the accuser instead of investigating and attacking the source of criticism, as if the problem will disappear as soon as the accusation disappears. There are many demands of loyalty on each armed service's officer corps; loyalty to superior, commander, organization and service. But to whom does the military professional's loyalty ultimately lie? The answer is contained in the following:

I, (name), having been appointed an (rank) in the United States (service), do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic, that I will bear true faith and allegiance to the same; that I take this obligation freely, without any purpose of evasion, and that I will well and faithfully discharge the duties of the office upon which I am about to enter, so help me God.

- The Officer's Oath

For over one hundred years, this solemn oath has ushered thousands of men and women into the officer ranks of the armed services. By bearing "true faith and allegiance" to the Constitution the officer corps aligns its loyalty with American ideals and values. Constitutional loyalty supersedes loyalty to any person, command or service branch.

Unfortunately, the current military ethic places many demands on loyalty which have negative impacts on readiness. The "zero defect" and "zero error" mentalities that have been so prevalent in the armed forces for the last three decades have caused the military to ultimately be disloyal to itself. In the era of "do more with less", unit commanders would rather falsify training and readiness records than deal with unsympathetic superiors. This highlights problems on two fronts. The military has tactical level commanders who are unwilling to tell the truth and operational commanders

who do not want to hear the truth. The inevitable consequence is that both commanders no longer seek the objective of excellence in all that they do but accept a passive approach to the mission accomplishment that eliminates risk. However, by eliminating risk, the military leaders preclude initiative which is an integral part of total combat effectiveness.

Even the service academies perpetuate environments that create conflicting loyalties. In the 1992 cheating scandal at the U.S. Naval Academy, the Superintendent, Vice Admiral Thomas Lynch, came under scrutiny for seemingly biased actions regarding athletes (specifically varsity football players) who were implicated and for those who were honest and confessed their guilt.¹⁴ The perception of favoritism fostered an opinion throughout the Brigade that the football program was more important than the ideals of the school and the honor concept it embraced and did little to develop a sense of loyalty and principle in the midshipmen. The expulsion of six midshipmen who admitted guilt (while the 128 who were implicated but denied the charges were allowed to remain) confirmed the old adages "admit nothing" and "you rate what you get away with."¹⁵

The Naval Academy's Honor Concept differs from the honor codes of West Point and the Air Force Academy in that it allows midshipmen the option of counseling fellow students suspected of lying, cheating or stealing. One of the unwritten rules of the Naval Academy is "Never bilge a classmate", but this does not apply in matters of honor. Individuals are neither expected nor permitted to affirm a classmate's lie or to cover up cheating or stealing.¹⁶ However, the handling of the 1992 cheating scandal created a strong opinion that senior Navy leadership compromised the integrity of the honor

concept by covering up the cheating to protect the Naval Academy's reputation and football program.

On a larger scale, loyalty to the Constitutional ethic requires a dedicated effort on the commander's part to develop the art of leadership. Most servicemen simply ignore the dichotomy posed by conflicting loyalties. They reduce crises to their simplest form and disguise the dilemma as an "unbeatable opponent."¹⁷ The military needs leaders who have the moral courage to put their egos and "pride in ownership" aside and instill in their subordinates good ethical behavior required if changes in perception and loyalty are ever going to occur. In the end, the military ethic requires "ultimate loyalty to cause and principles higher than self or branch of service."¹⁸

ETHICS AND SENIOR MILITARY LEADERS

"Example, whether it be good or bad, has a powerful influence, and the higher the rank the officer is, who sets it, the more striking it is."

- George Washington¹⁹

The tenth annual Professional Ethics Conference hosted by the Naval War College dug to the center of one of the problems in the ethical environment within the armed services. Mid-grade officers questioned a panel of Flag and General officers about a perceived problem of current senior officers failing in their mission as leaders both professionally and ethically. However, the panel members simply dismissed the perception as misguided, stating, "There is no problem."²⁰ Unfortunately, as a recent *Navy Times* article pointed out, this perception is being translated into action. In the article titled "And the survey says...They Want Outta Here," officers who were electing to leave the Navy cited a loss of confidence with leadership as the single biggest

contributor in their decision to leave.²¹ Certainly, perceptions may be misplaced but they will not vanish with shallow dismissals. Statements need to be backed up with facts and ethical failures need to be discussed in an open and honest forum if the perception is ever to change.

RECOMMENDATIONS

This paper discussed some of the problems which create ethical dilemmas and the armed services' failure to provide the knowledge and framework to resolve them. The following proposal for improving the ethical environment and behavior of military service members will address these problems: This proposal can be categorized by the four E's: Education, Example, Enforcement, and Evaluation.²² This simple plan calls for the establishment of a common foundation of knowledge and experience (education), a requirement of officers to lead their subordinates through personal demonstration (example), a requirement to comply with standing laws and regulations or be subject to punishment (enforcement), and the establishment of a means to provide feedback to continually improve the process (evaluation). While simple, the four E's require a commitment by all hands to be effective.

Education. Although character development programs at the service academies attempt to give an officer a good ethical foundation, they are not comprehensive enough to support an officer throughout his or her career. In a 1997 report titled, "Professional Military Education: An Asset for Peace and Progress", a CSIS Study Group cited the need for a "comprehensive, sequential, and progressive program of mandatory ethics instruction..." during an officer's career.²³ Logical opportunities and need for training

occur after commissioning and prior to mid-grade (Department Head), command (XO/CO) and capstone (Flag and General). The training needs to be consistent for all services and any opportunity for joint participation taken.

It is important that this education be conducted by facilitators who are ethics specialists, well versed in ethical theory and education. The education needs to be focused on the art of ethical decision making, using factual case studies as the centerpiece of teaching. This will allow future and current leaders to determine their individual value system and allow for more deliberate decision making with regard to ethical issues. An excellent example of this type of education is contained in the book Ethics for the Junior Officer. A gift from the Naval Academy Class of 1964 to the Class of 1994, it is filled with personal insight and experience of several Naval leaders and includes 121 factual case studies.²⁴ It is exactly the kind of educational tool necessary for broadening an officer's awareness of the ethical questions he or she is likely to encounter in service to the Nation.

The education should also include instruction on the centerpiece of military loyalty, the Constitution of the United States, a 200 year old document that continues to withstand the test of time. How often, if ever, do officers read this document that they have sworn to support and defend? Officers would be well served with a course on Constitutional principles prior to commissioning, as well as periodic reminders throughout their careers of their Constitutional loyalty.

Example. A panelist at the Tenth Annual Professional Ethics Conference held at the Naval War College remarked that for the military to change the ethical climate would

require that change to "start with the junior personnel."²⁵ This remark could not have been further from the truth and reconfirmed a growing lack of confidence in senior leadership. It is imperative that officers, properly armed with a strong ethical education, lead by example. This becomes increasingly critical as an officer rises in rank and responsibility. Change must occur within the highest ranks if it is to be expected at lower levels of the military hierarchy. It is not enough for an officer to give lip service to ethical principles, he or she must also demonstrate a personal commitment to these principles both on and off duty.

Failures to lead by example have far reaching implications. Individual failings immediately impact peer and, more importantly, junior personnel. If not dealt with properly, these individual failures will slowly undermine the ethical foundation the education process provides.

Far more severe than individual failings are failings by the organization or service. These institutional failings can bring the entire ethical program to a halt and negate any hard earned gains. The 1991 Army fratricide incident during the Persian Gulf War, the 1991 Tailhook convention, and the 1994 Air Force downing of two Blackhawk helicopters were all events that brought discredit to their respective services. However, the investigations into these incidents indicated a serious lack of moral principle. In each case, the senior leadership compromised the integrity of its service to country by attempting to protect individual careers and institutional image. Leading by example includes establishing proper ethical standards and honoring higher loyalties than self and branch of service.

Enforcement. With proper education and leadership by example in place, there is a need to enforce the standards that have been set. Commanders of military units carry an extraordinary amount of power in the form of the military justice system. Acting as judge, jury and executioner, commanders must exercise this power with equal parts swiftness, fairness, and consistency. Derek Vander Schaaf, the DoD Inspector General notes that "If an incident puts the institution in bad light, or if a senior official is charged, the military justice system has a very hard time dealing with that."²⁶ But the military must deal with it if junior personnel are to be punished for similar offenses. Enforcement of standards requires leaders to have the moral courage to mete out punishment to all, regardless of rank or position, if standards have not been met.

It would be prudent for military leaders to emulate the recent example of the Commandant of the Marine Corps. In reaction to Lieutenant Colonel Stephen Watters' statements to his subordinates that homemade video tapes taken during low-level flights over Italy should "disappear", General Krulak relieved this senior officer of his command immediately. Such attempts at covering up inappropriate activity by a senior officer cannot be tolerated in a military committed to high ethical standards. The Commandant sent a message loud and clear to the Marine Corps that ethical lapses would be dealt with swiftly and severely.

An equally important form of enforcement which can be more effective is positive reinforcement. Rewarding individuals who display the moral courage to speak the truth in the face of adversity will encourage the military to become more critical of itself. If

the military continues to shove aside and even punish critics it will be doomed to repeat the mistakes of the past.

Evaluation. Finally, there must be a means to continually improve the process, and that comes in the form of evaluation. Individual units and organizations must provide senior leadership with the feedback necessary to make adjustments to the ever changing realm of military ethics. The same ethics specialists acting as instructors must also make routine visits at the unit level to ensure instruction is kept current and to provide unit leadership with refreshers to changing ethical climates.

Additionally, evaluation of personnel should be performed in the form of personal counseling. It is important to provide military personnel with the feedback, both positive and negative, as to where their superiors feel the individual's ethical compass is pointing. The counseling needs to be honest and comprehensive, pointing out strengths and weaknesses and providing guidelines for improvement.

CONCLUSIONS

It is difficult to determine any single cause that is the source of poor ethical behavior of military professionals, but it can be concluded from recent headlines that a problem definitely exists. The military is a unique organization where the actions of a few can lead to negative consequences for the many. Because of this, the military must realize that it is important for all members to act in an ethical and moral manner, both professionally and personally. In order to build men and women of high moral character and integrity, the military must do a better job of laying an ethical foundation through education and training. The Education, Example, Enforcement, Evaluation program is

one possible scenario for moving toward this goal. Many may ask whether or not the military can afford to invest valuable time and resources to the development of character and military ethics. The more important question to ask is "Can the military afford not to?" This nation's military professionals combine to make up the best trained, best equipped, and most depended upon military force in the world. However, the strength of this force is directly dependent on the public trust and confidence that empowers it. It is therefore imperative that the military commit itself to building an officer corps that continuously strives for the highest degree of ethical principles.

*"God grant that men of principle shall be our principal men."
- Thomas Jefferson²⁷*

ENDNOTES

- ¹ Matthew B. Ridgway, Soldier: The Memoirs of Matthew B. Ridgway (New York: Harper & Brothers 1956), 269.
- ² Victoria Neufeldt, ed. Webster's New World College Dictionary (USA: MacMillan 1997), 466.
- ³ James H. Toner, True Faith and Allegiance (University Press of Kentucky 1995), 9.
- ⁴ Joint Chiefs of Staff, Joint Vision 2010 (Washington, DC), 28.
- ⁵ Naval War College, International Law Documents 1950-51 (Washington: 1952), 4.
- ⁶ U.S. Congress, House Committee on National Security, Quadrennial Defense Review, (Washington, DC: 1997), 45.
- ⁷ Ralph Peters, "Revolution in Military Ethics," Parameters, Summer 1996, 105.
- ⁸ Lord Moran, quoted in G. Thomas Greco, "Values: Lest We Forget," (Unpublished Research Paper, U.S. Naval War College, Newport, RI: 1993), 117.
- ⁹ Tom Philpott, "Academies: Are They Still Worth the Cost?" The Retired Officer Magazine, October 1995, 35.
- ¹⁰ *Ibid.*, 36.
- ¹¹ Robert L. Maginnis, "Cheating Scandal points to moral decline," <http://www.sbsc.org/townhall/spotlight/9-11-95/pv94died.html> 15 January 1998, 2.
- ¹² General Charles C. Krulak, "An Address" Lecture U.S. Naval War College, Newport, RI, 24 November 1997.
- ¹³ Department of Defense, Joint Ethics Regulation, DoD 5500.7-R, (Washington, DC: 1993), 155.
- ¹⁴ Maginnis, 1.
- ¹⁵ *Ibid.*
- ¹⁶ Robert Timberg, The Nightingale's Song, (New York: Simon and Schuster, 1995), 26.
- ¹⁷ Philip M. Flammer, "Conflicting Loyalties and the American Military Ethic," in War, Morality, and the Military Professional, ed Malham M. Wakin (Boulder and London: Westview Press, 1986), 165.
- ¹⁸ *Ibid.*
- ¹⁹ George Washington, quoted in Greco, 94
- ²⁰ Tenth Annual Professional Ethics Conference, "Panel Discussion," Lecture U.S. Naval War College, Newport, RI, 18 November 1997
- ²¹ Bradley Peniston, "And the survey says They Want Outta Here," The Navy Times, 19 January 1998, 12.
- ²² Original concept of the first three E's is credited to Professor Tom Grassey in his elective Ethics and the Military (FE594). The explanation and the fourth E (Evaluation) were added by the author.
- ²³ Professional Military Education: An Asset for Peace and Progress, (CSIS, Washington, DC: March 1997), 8 (Executive Summary).
- ²⁴ Karel Montor ed., Ethics for the Junior Officer, (Annapolis, MD: Naval Institute Press, 1994), 1-283.
- ²⁵ "Panel Discussion," 18 November 1997.

²⁶ James Kitfield, "Crisis of Conscience," Government Executive, October 1995, 22.

²⁷ Thomas Jefferson, quoted in Greco, 119.

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